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10 Attorneys for Plaintiff
 11 SPOTLIGHT SURGICAL, INC.

12 **UNITED STATES DISTRICT COURT**
 13 **NORTHERN DISTRICT OF CALIFORNIA**

14 SPOTLIGHT SURGICAL, INC.,
 15 Plaintiff,
 16 v.
 17 DEPUY, INC. and DEPUY SPINE, INC.,
 18 Defendants.

19 Case No. C-07-03362 JF

20 **PLAINTIFF'S EX PARTE**
 21 **APPLICATION TO EXTEND DATES**

22 Judge: The Honorable Jeremy Fogel

23 Place: Courtroom 3, 5th Floor

24 Pursuant to Local Rules 7-10(a) and 16-2(d), Plaintiff Spotlight Surgical, Inc.
 25 (“Spotlight Surgical”) hereby makes this *ex parte* application to the Court for an order
 26 extending and resetting the dates set forth in the Order Setting Initial Case Management
 27 Conference and ADR Deadlines issued on June 26, 2007 for approximately sixty (60) days.

28 This Application is made on the basis that Spotlight Surgical and Defendants are
 29 currently in informal settlement discussions, so Defendants have not yet been served with the
 30 Complaint nor has counsel (or other representative) for Defendants entered an appearance in
 31 this action. Therefore, Defendants are not yet formally represented by counsel with whom
 32 counsel for Spotlight Surgical can meet and confer or jointly file documentation on or before
 33 the following deadlines set forth in the Court’s Order of June 26, 2007:
 34

September 7, 2007 Last day to:

- meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan; and
- file Joint ADR Certification with Stipulation to ADR Process or Notice of Need for ADR Phone Conference.

September 21, 2007 Last day to file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report and file Case Management Statement.

Likewise, because Defendants have not been served with the Complaint, Defendants do not yet have counsel or a representative of record who will appear on their behalf at the Initial Case Management Conference scheduled as follows:

September 28, 2007 Initial Case Management Conference (CMC) in Courtroom 3, 5th Floor, SJ at 10:30 a.m.

Extending the dates set forth in the Court's Order of June 26, 2007 will provide additional time for the parties to discuss settlement and/or for Spotlight Surgical to serve the Complaint on Defendants.

DATED: September 4, 2007 Respectfully submitted,

HELLER, FUDMAN, AND

HELLER EHRLICH LLP

By /s/ John C. Wilson
JOHN C. WILSON
HAROLD J. MILSTEIN

Attorneys for Plaintiff
Spotlight Surgical, Inc.